EXHIBIT 1

Page 1

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

US ex re. VEN-A-CARE OF THE)
FLORIDA KEYS, INC.,)
Plaintiffs,)
vs) NO.)
07-CV-11618-PBS
ABBOTT LABORATORIES, INC.,)
Defendants.)
MDSL No. 1456)
No. 01-12257-PBS

The deposition JOHN CHRISTOPHER PAVLIK taken in the above-entitled cause before Denise A. Andras, a notary public within and for the County of Cook and State of Illinois, taken pursuant to the Federal Rules of Civil Procedure for the United States District Courts, at 77 West Wacker Drive, Chicago, Illinois, on the 22nd day of January, A.D., 2009, scheduled to commence at 9:00 o'clock a.m.

Fredericks Reporting & Litigation Services, LLC AUSTIN (512) 241-3600 - HOUSTON (713) 572-8897

Page 30 Page 32 1 Q. And what did you learn? 1 I'm not positive --2 2 MR. BERLIN: I'm sorry. Let me --A. That there was AWP pricing out there. I didn't know how it was -- at the time I 3 objection form, foundation. Go ahead. 3 didn't know how it was really put together from 4 4 BY THE WITNESS: 5 our perspective because I really never got 5 I wasn't positive how that all A. involved in I would say calculating that for 6 played out from a -- I know branded drugs. All I 7 7 remember is that AWP for Abbott was never people. 8 You mean calculating it like -- in published by Abbott, and that there was branded --Q. 9 9 what sense do you mean calculating it? I know branded products at Abbott were basically a 10 Our AWPs at Abbott typically have 10 20 percent AWP, and my customers told me that. not been published since I've been around, most of And then on the generic side or the erythromycin 11 11 my career. Especially, I would say from, I'm side, that was tabulated in a different way, I 12 12 13 thinking about '95 on, AWPs were just something 13 believe, and I'm not sure if that was WAC. I that we didn't see too often. 14 think it was WAC times 1.25, I believe. 14 And so did you ever gain an 15 How did you come to learn in 1995 15 understanding why the mark-up from WAC to create how the AWPs were published? 16 16 MR. BERLIN: Objection, form. the AWP was higher for the erythromycins than it 17 17 18 BY THE WITNESS: 18 was for the other Abbott PPD products? 19 A. Probably from one of my customers. 19 A. 20 20 BY MR. ANDERSON: Q. Do you understand what the acronym 21 And is that when you learned that 21 AWP -- strike that. I'll rephrase it to be more the AWPs were published in relation to the WAC 22 22 specific. 23 prices? 23 Do you understand the words that 24 24 the acronym AWP stands for? Boy, I don't know when I -- I just A. Page 31 Page 33 knew that was a function of WAC. It might have 1 A. Yes. 2 been around that time. 2 Q. And what are those words? 3 3 Did you understand Abbott was Average wholesale price. A. 4 publishing WAC prices? Q. Other than those plain words, do you 5 5 have any understanding of an industry standard A. Yes. 6 And did you understand Abbott was 6 meaning for AWP? Q. 7 7 controlling those WAC prices? A. I'm not sure I understand what you 8 MR. BERLIN: Objection, form. 8 are asking. 9 9 BY THE WITNESS: Other than those words, do you have 10 A. I would say that we set our WAC 10 an understanding of the term AWP? prices. I'm not sure we controlled them. It was Not really. 11 11 A. -- they are published. Do you have an understanding of any 12 12 Q. 13 BY MR. ANDERSON: 13 industry meaning or industry standard definition 14 of the term AWP? Yes, sir. But did you understand 14 15 that Abbott was the entity setting the prices that 15 A. Not really. were in turn published? 16 16 Q. What's your understanding of the 17 Yes. 17 meaning of the term WAC? A. 18 18 Okay. What was --WAC is basically our selling price 19 MR. BERLIN: In that question you are 19 to wholesalers. 20 referring to WAC, right? 20 Is a WAC price the invoice price 21 MR. ANDERSON: Yes. 21 that Abbott bills wholesalers? 22 BY MR. ANDERSON: 22 A. Correct. 23 Sir, what was the relationship 23 Has that always been the case for 24 between the WAC price and the AWP? 24 the erythromycin products to your knowledge?

(Pages 30 to 33)

Page 34 Page 36 1 I'm not sure how the invoices read 1 they were going to be charged WAC, yes. 2 2 quite frankly. Wholesalers have contracts with And did the customers complain to 3 Abbott, and I'm not sure if they are billed at 3 you about being charged WAC? contract or if they are billed at WAC and then a None of mine did. 4 5 5 chargeback, I'm not sure how that occurs. Were your customers -- do you know, Q. 6 Do you know what words the acronym 6 sir, that your customers -- strike that. I'll be 7 7 WAC stands for? more specific. 8 Wholesale Average Cost. 8 Do you know, sir, of any A. 9 9 Are you aware of any meaning of the instance where one of your wholesaler customers 10 term WAC other than the words Wholesale Average 10 was billed at WAC while the base deal program was in place for the erythromycins? 11 Cost? 11 12 Wholesale Acquisition Cost, I'm 12 A. Yes. A. 13 13 Q. Who? sorry. 14 14 Capital, Prescription Supply, Miami Q. Okay. Are you aware of any meaning A. 15 other than the words Wholesale Acquisition Cost? 15 Luken. 16 How did you come to learn of that? Α. 16 Q. Are you aware of any industry 17 They called and told me that they 17 Q. A. standard meaning of the term WAC? 18 18 didn't place the order, that they didn't make the 19 I believe it's a price that all 19 \$500, they couldn't. 20 And were they upset? 20 wholesalers buy product at. That's how I perceive Q. 21 it. I don't know how it relates to other 21 They understood --22 MR. BERLIN: Objection, form, 22 companies. 23 Q. Are you familiar with a price known 23 foundation. as base deal price? 24 24 Page 37 Page 35 1 A. Yes. 1 BY THE WITNESS: 2 2 Q. What is base deal price? They understood. 3 BY MR. ANDERSON: 3 Base deal price was a price that on 4 Q. Why were they calling you? our erythromycin line, that wholesalers could buy A. I think they called me to take care our product. I believe they had to buy \$500 worth 5 5 6 of product to get that deal price. 6 of a handling charge, quite frankly. 7 7 Can you explain what you mean? Did you find that wholesalers always O. met the \$500 minimum purchase order? 8 Because they didn't make the minimum 8 order, there was a handling charge, and they asked 9 I can't speak for all wholesalers, 9 10 but I know for some it's a stretch, even the small 10 me to see if I could get the handling charge waived, which is like, I don't know, \$10. 11 11 guys. 12 12 When they purchased at WAC, did they Q. Did you find that those, the small 13 guys as you say, the smaller wholesalers, could 13 still receive prompt pay discounts? 14 They had different terms. meet the \$500 minimum? 14 15 15 MR. BERLIN: Objection form, Yes, sir, but, I realize the terms 16 foundation. 16 of the prompt pay discount may have been 17 BY THE WITNESS: 17 different, but did they still receive a prompt pay 18 18 Sometimes they couldn't. discount? 19 They would have received thirty --19 BY MR. ANDERSON: A. 20 20 thirty days, net thirty-one. Two percent net And in those instances, what would Q. 21 happen? 21 thirty-one is what they would have received, which 22 22 They would be charged WAC. are standard terms. A. 23 And did you learn of this? 23 And what were the standard terms on Q. 24 I knew that if they didn't buy \$500 24 the deal prices? A.

10 (Pages 34 to 37)

Page 42 Page 44 BY MR. ANDERSON: 1 1 A list price is what a retail 2 2 Q. Well, were they uniform? Was the customer would buy if they bought one bottle of an 3 chain price one single price for one drug at one 3 Abbott product instead of a case. time that was offered to all --4 4 How does list price differ from AWP? 5 5 A. Yes. MR. BERLIN: Objection, form. 6 6 Q. -- to all the chains? BY THE WITNESS: 7 7 Yes, sir. Likewise, are you A. Really not associated to one that 8 familiar with a term known as RBG price? 8 I'm aware of. 9 9 A. I know what RBG stands for. I am 10 not sure whether I ever -- I have not referred to 10 BY MR. ANDERSON: it as RBG price. 11 Q. Are you aware of Abbott maintaining 11 more than one type of list price? 12 Okay. Maybe you know it better than 12 Q. 13 as Retail Buying Group price? Are you familiar 13 A. No. 14 with that term? 14 Would you consider WAC to be a list Q. 15 A. Yes. 15 price? 16 Did Abbott maintain Retail Buying 16 MR. BERLIN: Objection, form. Q. 17 17 Group prices? BY THE WITNESS: 18 A. Yes. 18 A. No. 19 And were those uniform prices that 19 BY MR. ANDERSON: 20 20 were offered on the erythromycin to all retail All right. Switching topics, 21 buying groups? 21 Mr. Pavlik. 22 Probably not all. 22 When you were a NAM in '86, were Α. 23 Q. Most? 23 the erythromycin products being marketed by Abbott 24 as brands or generics? A. I can't even say most. Page 45 Page 43 1 O. Why did Abbott maintain Retail 1 A. Brands. 2 Buying Group prices? 2 So you were a NAM when the decision Q. 3 We -- because we did call on some, 3 was made to begin marketing those products as and I can only speak for the two that I had generics, correct? 4 responsibility for. I really don't know who else 5 Yes. 5 A. 6 even calls on retail buying groups. So I can only 6 Q. What was your understanding of the rationale behind that decision? 7 7 speak for my two. 8 8 Yes, sir. With respect to your two, Our customers had, I think, told our 9 9 how did the Retail Buying Group prices come into whole group, people who called on the various 10 play in your dealings with your customers? 10 customers, that if they've got a prescription for There was an erythromycin contract 11 erythromycin 250 and they would dispense an Abbott 11 12 that they could sign if they so desired to. erythromycin that would not be adjudicated, they 13 Were the Retail Buying Group prices couldn't use our product. They had to use an that were offered as a part of that erythromycin 14 alternative product. We didn't really understand 14 contract different between your two buying groups? why. And then we found out because our drugs were 15 15 classified by like Medispan or First Data Bank as 16 A. 16 branded products, so they could only be used on 17 Q. Okay. So at least with respect to 17 branded prescriptions. If a doctor wrote 18 your buying group customers, the Retail Buying 18 Group prices were uniform? Erythrocin 250, they could use erythrocin, but 19 19 20 20 nothing else. So we could not, quite frankly -- a A. Yes. 21 Q. Are you familiar with the term "list 21 lot of customers couldn't use our products. They price"? 22 had to use alternatives. 22 23 23 And would you say that that was, A. 24 What's a list price? 24 that situation where customers weren't buying Q.

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1 wholesalers? 2 A. Yes. 3 Q. And do they originate from the 4 wholesalers and then in turn you forward it to 5 somebody at Abbott Park in PPD Pricing? 6 A. I'm not sure. 7 Q. But you do know that somehow they 8 get completed by personnel within PPD and then get 9 presented to the customers? 10 MR. BERLIN: Objection, form. 11 12 BY THE WITNESS: 12 MY THE WITNESS: 13 A. Usually given to us to present to 14 the customer. 15 BY MR. ANDERSON: 16 Q. Us being the NAMs? 17 A. Yes. 18 Q. Are you aware of any other standard 19 types of documents that Abbott's been involved in 10 completing or creating to communicate information 11 to customers? 12 A. Yes. 13 Q. When do you think that change was 14 made to stop placing AWP on the stocking sheets? 15 BY MR. ANDERSON: 16 Q. Us being the NAMs? 17 A. Yes. 18 Q. Are you aware of any other standard 19 types of documents that Abbott's been involved in 20 completing or creating to communicate information 21 to customers? 22 A. Yes. 23 Q. Like what? 24 A. I'm just thinking. A new product 24 That was for warehousing chains, nonwarehousing 25 chains and retail independents. 26 Q. And is that what it's called, a 27 didn't mean to step on your question. 28 A. Yes, I would say it's basically a - 29 somewhat like a stocking sheets, and it is a distribution sheet; 29 that was for warehousing chains, nonwarehouse, it distribution sheet; 20 A. Yes, I believe they were on there 21 allowance sheet. 22 A. Yes, I believe they were on there 23 probably because it was expected to be on there by our customers, and I believe it always was stairsked with an estimated AWP. I don't think it's assically a - 20 Any other standard - 21 A. Yes, I believe they were on there 22 A. Yes, I believe they were on there 23 probably because it was expected to be on there by our customers, and I believe it always was strisked with an estimated AWP. I don't think it was ever a specific AWP. 24 A. Tim not sure how that was estimated, 25 but typically has to be given on any new product 26 a well. 27 A. Yes, I believ				
2 A. Yes. 3 A. You know, I know that there were wholesalers and then in turn you forrward it to somebody at Abbott Park in PPD Pricing? 6 A. I'm not sure. 7 Q. But you do know that somehow they get completed by personnel within PPD and then get presented to the customers? 8 get completed by personnel within PPD and then get presented to the customers? 10 MR. BERLIN: Objection, form. 11 SHYTHE WITNESS: 12 BY THE WITNESS: 13 A. Usually given to us to present to the the customer. 14 the customer. 15 BY MR. ANDERSON: 16 Q. Us being the NAMS? 17 A. Yes. 18 Q. Are you aware of any other standard 19 types of documents that Abbott's been involved in completing or creating to communicate information to customers? 19 Q. A. Yes. 20 Q. Like what? 21 that we just launched, we had a distribution sheet? 22 A. Yes. 3 Q. And is that what it's called, a distribution sheet? 24 A. I'm just thinking. A new product 25 A. Yes, I would say it's basically amade and retail independents. 26 A. Yes, I would say it's basically amade and retail independents. 27 And is that what it's called, a distribution sheet? 28 A. Yes, I would say it's basically amade to stop placing AWP on the stocking sheets. 29 A. Yes. 20 Q. Like what? 21 A. I'm just thinking. A new product 22 A. C. And is that what it's called, a distribution sheet? 23 A. Yes I would say it's basically amade to stop placing AWP on the stocking sheet. 24 A. I'm just thinking. A new product 25 Golden on the stocking sheet. 26 A. Yes, I would say it's basically amade to stop placing AWP on the stocking sheet. 27 A. Yes. 28 A. I'm just hinking. A new product 29 Fage 55 20 Q. Like what? 3 This was estimated, and the presence of the probably because it was expected to be on there by our customers, and Ibelieve it always was asterisked with an estimated AWP. I don't think it's and the pharmacy. So I call it a distribution allowance sheet. 3 A. We have what it called, I think it's and the pharmacy. So I call it a distribution allowance sheet. 4 A. Those are the ones that — 5 Q. Any others?		Page 54		Page 56
4 wholesalers and then in turn you forward it to somebody at Abbott Park in PPD Pricing? 5 A. I'm not sure. 7 Q. But you do know that somehow they get completed by personnel within PPD and then get presented to the customers? 8 get completed by personnel within PPD and then get? 9 presented to the customers? 10 MR. BERLIN: Objection, form. 11 BY THE WITNESS: 12 A. Usually given to us to present to the customer. 13 A. Vou know, I know that there were sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know that we sheets that did, but most recently I know thet we sheet it on the textocking sheets? 6 Q. When do you think that change was made to stop placing AWP on the stocking sheets? 7 eally don't. I'd have to - I'd have to look at some materials, you know. 11 2 frame, like for instance was it 2003, 2004, earlier? 12 A. I really don't know specifically. 13 A. Vou know, I funce that change was made to stop placing AWP on the stocking sheets. 14 A. I really don't know specifically. 15 Q. Okay. Why were the AWP prices included on the stocking sheets. 16 included on the stocking sheets. 18 BY MR. ANDERSON: 19 (Q. Okay. Why were the AWP prices included on the stocking sheets. 10 (Q. And is that what it's called, a distribution sheet; 11 didn't mean to step on your question. 12 didn't mean to step on your question. 13 A. You know, I guos in MR. BERLIN: Objection, form found	1	wholesalers?	1	Q. Over the years have those sheets
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8 get completed by personnel within PPD and then get 9 presented to the customers? 10 MR. BERLIN: Objection, form. 11 some materials, you know. 12 BY THE WITNESS: 13 A. Usually given to us to present to 14 the customer. 14 the customer. 15 BY MR. ANDERSON: 16 Q. Us being the NAMs? 17 A. Yes. 18 Q. Are you aware of any other standard 19 types of documents that Abbott's been involved in 10 customers? 19 Q. Are you aware of any other standard 19 types of documents that Abbott's been involved in 10 customers? 20 A. Yes. 21 Q. Like what? 22 A. Yes. 22 Q. Like what? 23 Q. Like what? 24 A. I'm just thinking. A new product 24 Chains and retail independents. 24 A. Yes, I would say it's basically a— 25 somewhat like a stocking sheet, but it's basically a instead of a customer buying it into a warehouse, it's actually getting it from the warehouse, it's actually getting it's beat, your customers, and I believe it always was saterisked with an estimated AWP. I don't think it's undivided in the Set Device. 18 YTHE WITNESS: A. I believe they were on there your customers, and I believe it always was saterisked with an estimated AWP. 29 Want are always told customers to refer to, you k	6	A. I'm not sure.	6	Q. When do you think that change was
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21 11. Dometines.	19 20 21 22	A come to mind recently, yes.Q. The stocking sheets that are also known as the sale sheets, do those include pricing	21 22	Medispan, First Data Bank. Q. Did you understand why customers
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15 (Pages 54 to 57)

			1
	Page 58		Page 60
1	A. Not always. I know it was expected	1	BY MR. ANDERSON:
2	to be there. They had asked for it.	2	Q. Do you recognize the type of
3	Q. Did you have some awareness of why	3	document that's been marked as Pavlik Exhibit 1?
4	they were expecting it to be on the sheets?	4	A. I'm assuming that I saw this at one
5	MR. BERLIN: Objection, form,	5	time since it's NAM, but I don't remember it
6	foundation.	6	specifically.
7	BY THE WITNESS:	7	BY MR. ANDERSON:
8	A. I would say honestly, no, not	8	Q. You don't remember this specific
9	completely. I think there was inference, but	9	these two pages, but do you remember this type of
10	never a hundred percent positive.	10	document?
11	BY MR. ANDERSON:	11	A. Yes.
12	Q. What was your inference?	12	Q. Okay. And it's titled NAM mission
13	A. Inference would be they would want	13	statement for a new product launch, correct?
14	to know from a third-party plan perspective, you	14	A. Yes.
15	know, and then the other thing they wanted to	15	Q. And then it lists some elements of a
16	know, some customers I know, one of mine	16	new product launch, correct?
17	specifically, would say we priced to our customers	17	A. Yes.
18	off of AWP. So that was the only customer that I	18 19	Q. Are those elements that are listed
19 20	can recall where that was important.	20	there consistent with your experience?
21	Q. You just referenced third-party plans in your testimony. Are you referring to	21	MR. BERLIN: Is there a time period? BY MR. ANDERSON:
22	third-party plans like private insurance or	22	Q. Over your tenure as a NAM.
23	government programs like Medicaid that reimbursed		A. I would say on new product launches,
24	for drugs?	24	most of this stuff has been there for most of the
	Tor drugs:		most of this staff has been there for most of the
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	Page 59		Page 61
1	A. I would mostly be looking at	1	part.
2	A. I would mostly be looking at third-party managed care plans, not Medicaid.	2	part. Q. Okay. Looking at the bullet points,
2	A. I would mostly be looking at third-party managed care plans, not Medicaid. Q. Like private insurance?	2	part. Q. Okay. Looking at the bullet points, I noticed lower-middle part of the list there is a
2 3 4	 A. I would mostly be looking at third-party managed care plans, not Medicaid. Q. Like private insurance? A. Yes. 	2 3 4	part. Q. Okay. Looking at the bullet points, I noticed lower-middle part of the list there is a bullet that reads "pricing"?
2 3 4 5	 A. I would mostly be looking at third-party managed care plans, not Medicaid. Q. Like private insurance? A. Yes. Q. But drug reimbursement nonetheless? 	2 3 4 5	part. Q. Okay. Looking at the bullet points, I noticed lower-middle part of the list there is a bullet that reads "pricing"? A. Yes.
2 3 4 5 6	 A. I would mostly be looking at third-party managed care plans, not Medicaid. Q. Like private insurance? A. Yes. Q. But drug reimbursement nonetheless? A. Yes. 	2 3 4 5 6	part. Q. Okay. Looking at the bullet points, I noticed lower-middle part of the list there is a bullet that reads "pricing"? A. Yes. Q. Are you with me there?
2 3 4 5 6 7	 A. I would mostly be looking at third-party managed care plans, not Medicaid. Q. Like private insurance? A. Yes. Q. But drug reimbursement nonetheless? A. Yes. Q. And you don't have any reason to 	2 3 4 5 6 7	part. Q. Okay. Looking at the bullet points, I noticed lower-middle part of the list there is a bullet that reads "pricing"? A. Yes. Q. Are you with me there? A. Uh-huh.
2 3 4 5 6 7 8	 A. I would mostly be looking at third-party managed care plans, not Medicaid. Q. Like private insurance? A. Yes. Q. But drug reimbursement nonetheless? A. Yes. Q. And you don't have any reason to testify that customers wanted AWPs on the stocking 	2 3 4 5 6 7 8	part. Q. Okay. Looking at the bullet points, I noticed lower-middle part of the list there is a bullet that reads "pricing"? A. Yes. Q. Are you with me there? A. Uh-huh. Q. And then it says, "WAC list and
2 3 4 5 6 7 8 9	 A. I would mostly be looking at third-party managed care plans, not Medicaid. Q. Like private insurance? A. Yes. Q. But drug reimbursement nonetheless? A. Yes. Q. And you don't have any reason to testify that customers wanted AWPs on the stocking sheets, only to gauge private insurance 	2 3 4 5 6 7 8 9	part. Q. Okay. Looking at the bullet points, I noticed lower-middle part of the list there is a bullet that reads "pricing"? A. Yes. Q. Are you with me there? A. Uh-huh. Q. And then it says, "WAC list and estimated AWP," is that correct?
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16 (Pages 58 to 61)

Page 62 Page 64 AWP. 1 1 A. I don't know that. A. 2 2 O. Is there a difference between AWP O. Do you know that Abbott was not 3 and estimated AWP? 3 sending AWPs? 4 I'm not sure. 4 A. I don't know that either. Α. 5 5 What department did you understand Q. So if the documents show Abbott Q. was responsible for setting the estimated AWP at 6 6 sending AWPs to the compendia, that -- you don't 7 7 have any information to disagree with the Abbott? 8 I'm not sure of that either. I'm 8 documents, do you? A. 9 9 not sure who did that. I just know it was always MR. BERLIN: Well, hold on a second. 10 on the sheets back then. 10 Objection to form and objection to -- I 11 And these were sheets that were 11 mean, if you have documents that say and you want him to see it, show it to him. I mean 12 coming from Abbott obviously? 12 13 A. Yes. 13 it's like saying to a murderer -- someone 14 So somebody at Abbott was creating who is accused, if we had a picture of you 14 an estimated AWP? 15 15 pulling the trigger of a gun, you wouldn't MR. BERLIN: Objection, form. have any reason to believe -- either he 16 16 BY THE WITNESS: knows or he doesn't. 17 17 18 A. Potentially yes. 18 MR. ANDERSON: Well, you can 19 MR. BERLIN: Well, he is asking if 19 object, Eric, and he can answer the 20 20 you know or not. question. 21 THE WITNESS: I'm not sure if it 21 MR. BERLIN: I agree. But I think 22 22 it's sort of a harassing, abusive came from somebody at Abbott or somebody question, and that's why I stated a 23 else. I'm not sure. 23 24 24 longer objection. You can answer if you Page 63 Page 65 1 BY MR. ANDERSON: 1 can. 2 2 But you know it was appearing on THE WITNESS: Why don't you restate sheets that were printed by Abbott? 3 3 it? On new products, yes. That's where 4 4 MR. ANDERSON: Sure. I remember seeing estimated AWPs. 5 5 BY MR. ANDERSON: 6 Looking down the list of elements of 6 Q. Sir, if there are documents that 7 a product launch, do you see the last bullet 7 show Abbott reporting AWPs to the compendia, do 8 reads, "notification to data service companies"? 8 you have any information to contradict that Abbott 9 9 A. was sending AWPs to the compendia? 10 And then there's a parenthetical by 10 MR. BERLIN: Same objection. pricing to Medispan, First Data Bank, et cetera, 11 BY THE WITNESS: 11 did I read that correctly? 12 12 A. All I can tell you is that I believe 13 A. Yes. 13 we sent -- I don't know what we sent to the 14 compendia, other than a WAC price. I don't know Did you understand that these Q. estimated AWPs were being set by Abbott and then anything beyond that. It's really not my job. 15 15 16 sent to the data companies like First Data Bank? BY MR. ANDERSON: 16 17 MR. BERLIN: Objection, form. 17 Why was it that the data service Q. 18 18 BY THE WITNESS: companies like Medispan and First Data Bank and 19 A. I knew we were probably sending a 19 Red Book were notified of a product launch? WAC price to them, and they were probably setting 20 Primarily so they would get it into 20 21 the final AWP. 21 the pharmacy systems and the various customers out 22 22 there who get their pharmacy updates, get their BY MR. ANDERSON: 23 Do you know, sir, whether or not 23 pricing information, the NDC, so they can load it 24 Abbott was sending AWPs? 24 into their pharmacy system.

17 (Pages 62 to 65)

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	Page 102		Page 104
1	October 2002, correct?	1	A. Yes.
2	A. Yes.	2	Q. Where they would be notifying their
3	Q. So most likely this was a Power	3	pharmacy customers of product launches, et cetera?
4	Point presentation that you attended, correct?	4	A. Yes.
5	MR. BERLIN: Objection, form.	5	Q. Looking at this particular example
6	Objection	6	of a First Facts Notification, you see that it's
7	BY THE WITNESS:	7	got AWP pricing included?
8	A. I really don't know.	8	A. Yes.
9	MR. BERLIN: He either remembers it	9	Q. Did you understand that as recently
10	or not, you are not here to ask him	10	as, for instance, 2002 Cardinal was sending out
11	likelihoods.	11	AWP information to pharmacies?
12	BY MR. ANDERSON:	12	A. No.
13	Q. In what context do you think you	13	Q. You knew they were notifying
14	would have come to have this presentation?	14	pharmacies about launches but you didn't realize
15	MR. BERLIN: Objection, form,	15	the detailed information they were providing?
16	misstates testimony.	16	A. Not for anything that I participated
17	BY THE WITNESS:	17	in, no.
18	A. I've seen I know I've seen some	18	Q. Did you know that Cardinal was
19	of these pages. Okay.	19	communicating AWP information to pharmacies in any
20	BY MR. ANDERSON:	20	way?
21	Q. I'll tell you, Mr. Pavlik, this was	21	A. No.
22	produced to us in electronic form	22	Q. Look at the what's labeled as
23	A. Okay.	23	page 8 of this Exhibit.
24	Q in this case. And it's my	24	A. Okay.
	Page 103		Page 105
1	understanding the custodian of the document was	1	Q. You see a reference there to the
2	shown to be you.	2	choice screen savers?
3	A. Okay.	3	A. Yes.
4	Q. Okay. Does that	4	Q. Are you familiar with or did you
5	A. Then.	5	become aware over the years that Cardinal had a
6	Q. You don't have any	6	software program known as Cardinal Choice?
7	A. Either they may have just e-mailed	7	A. I just called it screen savers. I
8	it to me. I don't know if I was at a meeting.	8	don't know "Choice screen savers."
9	Q. I see.	9	Q. I'm actually asking a slightly
10	A. Okay.	10	different question, but I'll address your answer.
11	Q. So is it true, sir, you may have	11	Did you know that Cardinal marketed products to
12	received an e-mail of this Power Point without	12	pharmacies through screen savers?
13	actually physically attending a meeting?	13	A. No.
14	A. Possibly, yes.	14	Q. All right. Did you know that
15	Q. I see. Okay. In looking at the	15	Cardinal offered software to pharmacies?
16	Power Point presentation, if you could flip to	16	A. No.
17	what's page 10 of the presentation.	17	Q. What is it that you do recall about
18	A. Okay.	18	the screen savers?
19	Q. And that appears to be a slide	19	A. All I know is that anything in this
20	pertaining to the First Facts Notification	20	packet, if you participate, you pay for at
21	Program, correct?	21	Cardinal. None of this is free. So the First
22	A. Yes.	22	Facts, anything that we would participate in the
23 24	Q. And did you know that Cardinal had programs such as First Facts?	23 24	First Facts I would give to Cardinal or Screen Savers I would give to Cardinal. If they sent

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